IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 7814 of 1997

Between:

Kavuru Subrahmanyam S/o. Narsayya, Hindu
Telgupalem H/o. Penumadam, Poduru Mandal,
West Godavari District.

..... PETITIONER

AND

1 The Sub-Collector, Narsapur, West Godavari District.
2 The Mandal Revenue Officer, Poduru, Poduru Mandal,
West Godavari District.
3 The Executive Officer Penumandam Gram Panchayat,
Penumadam, Podur Mandal, West Godavari District.
4 Guduri Surya Murthy S/o. Venkanna
Teluguvaripalem, H/o.Penumadam,Teluguvaripalem H/O
Penumadam, Poduru (M), West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction declaring the action the respondents in laying a road in petitioner's own land i.e. in R.S.No.295/2 of Telugupalem H/o.Penumadam Village, Poduru Mandal West Godavari District without following due procedure prescribed under Land Acquisition Act as illegal, arbitrary and contrary to Article 14 and 300 A of the constitution of India and issue a consequential direction to the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the above said land.

Counsel for the Petitioner:MR.K.CHIDAMBARAM

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.4 : P.Raghavendra Reddy

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The Court made the following ORDER:

The writ petition is filed for a writ of Mandamus or any other writ or appropriate order declaring the action of the respondents in laying road in the petitioner's land in Rs.No.295/2 of Telugpalem H/O Penumadam village, Poduru Mandal, West Godavari District without following due procedure prescribed under Land Acquisition Act as illegal, arbitrary and contrary to Articles 14 and 300A of the Constitution of India and issue consequential direction to the respondents not to interfere with the petitioner's peaceful possession and enjoyment relating to aforesaid land and pass such other suitable orders.

This Court in W.P.M.P.No.9524 of 1997 in this writ petition had granted interim direction to the third respondent-Executive Officer, not to proceed with the formation of the road in the property in question till further orders.

In the light of the said direction, no further action had been initiated in this regard. In view of the facts and circumstances of the case, it is needless to say that the possession of the petitioner cannot be disturbed unless due procedure is followed.

Hence the writ petition is disposed of with a direction to maintain status quo relating to the subject matter of the writ petition unless and until the due procedure is followed in this regard. No order as to costs.

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P.S.NARAYANA, J

Dated : 29th December, 2004.

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To

1 The Sub-Collector, Narsapur, West Godavari District.
2 The Mandal Revenue Officer, Poduru, Poduru Mandal, West Godavari District.
3 The Executive Officer Penumandam Gram Panchayat, Penumadam, Podur Mandal, West Godavari District.
4 2CCs to the G.P. for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad (OUT).

5 2CD copies.